

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NETLIST, INC.,	§	
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	CIVIL ACTION NO. 2:22-CV-00293-JRG
	§	(Lead Case)
SAMSUNG ELECTRONICS CO, LTD, <i>et al.</i>	§	
	§	
<i>Defendants.</i>	§	

NETLIST, INC.,	§	
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	CIVIL ACTION NO. 2:22-CV-00294-JRG
	§	
MICRON TECHNOLOGY, INC., <i>et al.</i>	§	
	§	
<i>Defendants.</i>	§	
	§	

ORDER REFERRING DISCOVERY DISPUTE TO SPECIAL MASTER

Before the Court is Plaintiff Netlist Inc.’s (“Netlist”) Motion to Refer Dkt. Nos. 274 and 279 to the Special Master. (Dkt. No. 295.) On December 8, 2023, the Court issued an Order Appointing Special Master wherein the Court appointed Hon. David Folsom to conduct a hearing on pending discovery disputes in the above-captioned case. (Dkt. No. 269.) Pursuant to the Court’s Order Appointing Special Master, “[t]he Court may address unforeseen circumstances that may arise with regard to the undertaking of the Special Master by subsequent order.” (Dkt. No. 269 at 7.)

On the same day that the Court appointed the Special Master, the Micron Defendants filed another discovery-related motion: Defendants’ Motion to Strike Plaintiff’s November 19, 2023

Supplemental Response to Interrogatory No. 4 (the “Motion to Strike”). (Dkt. No. 271.) On December 13, 2023, Netlist filed a Motion to Compel Micron Defendants to De-Designate Portions of Deposition Testimony of Scott Cyr (the “Motion to Compel”). (Dkt. No. 274.) The following day, Netlist filed a Motion to Expedite Briefing on its Motion to Compel (the “Motion to Expedite”). (Dkt. No. 279.)

On December 21, 2023, Netlist moved to refer the Motion to Compel and the Motion to Expedite to the Special Master. (Dkt. No. 295.) Micron opposed on the grounds that the Motion to Compel involves “a protective order dispute and not a pending discovery dispute as listed in the Court’s appointment of certain specified discovery motions to the special master.” (Dkt. No. 297.) However, Micron “defers to the Court and Judge Folsom regarding the scope of the referral.” (*Id.*)

After careful consideration of FRCP 53, the Court finds that hearing all the discovery disputes together would serve the ends of justice in this matter and more efficiently facilitate the litigation process among the parties. The Court finds that the Motion to Compel and Motion to Expedite should be heard by the Special Master. Additionally, the Court finds that the pending Motion to Strike (Dkt. No. 271) should also be referred to the Special Master.

Having considered the Motion to Refer Dkt. Nos. 274 and 279 to the Special Master (Dkt. No. 295), the Court finds that the same should be and hereby is **GRANTED**. Accordingly, it is **ORDERED** that the Motion to Compel (Dkt. No. 274) and the Motion to Expedite (Dkt. No. 279) are hereby **REFERRED** to the Special Master in this case. It is further **ORDERED** that the Motion to Strike (Dkt. No. 271) is **REFERRED** to the Special Master in this case.

So ORDERED and SIGNED this 2nd day of January, 2024.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE